

WEST VALLEY CITY, UTAH

ORDINANCE NO. 08-38

Draft Date: 09/17/2007; 6/10/2008 ; 7/22/2008

Date Adopted: _____

Date Effective: _____

**AN ORDINANCE AMENDING CHAPTER 7-7 OF TITLE 7 OF
THE WEST VALLEY CITY MUNICIPAL CODE REGARDING
CONDITIONAL USES.**

WHEREAS, Chapter 7-7 of Title 7 of the West Valley Municipal Code regulates conditional uses; and

WHEREAS, the City desires to amend various in order to comply with state law; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Chapter 7-7 of Title 7 of the West Valley City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Chapter 7-7 of Title 7 of the West Valley City Municipal Code is hereby amended to read as follows:

**CHAPTER 7-7
CONDITIONAL USES**

Sections:

7-7-105. ~~Conditional Use Standards and Criteria~~ Repealed.

7-7-108. ~~Notice of Planning Commission Action~~ Repealed.

7-7-105. ~~CONDITIONAL USE STANDARDS AND CRITERIA~~ REPEALED.

~~Conditional use application shall be reviewed in accordance with the following general standards and criteria:~~

~~(1) The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the neighborhood and the community.~~

~~(2) Compatibility of the proposed use with the intent, function and policies established in the General Plan, this Title and Chapter 9, of Title 10, UCA;~~

~~(3) Compatibility of the proposed use with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;~~

— (4) The availability of, or ability to provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection and safe and convenient pedestrian and vehicular circulation;

— (5) Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity of injurious to property or improvements in the vicinity. A conditional use shall be detrimental under the following circumstances:

— (a) If the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

— (b) If the proposed use will unreasonably interfere with the lawful use of surrounding property;

— (c) If the proposed use will create a need for essential municipal services which cannot be reasonably met;

— (d) If the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or be injurious to property or improvements in the vicinity;

— If a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to mitigating measures which will bring the use into conformance with the standards described in this section. If the Planning Commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Planning Commission may deny the request for a conditional use permit.

7-7-107. PLANNING COMMISSION ACTION.

(1) At the public hearing, testimony may be given by the applicant and all other persons either in support or opposition to the application. After consideration of the testimony, the application and all other evidence presented, the Planning Commission may approve, approve with conditions, continue the application to a subsequent meeting, or disapprove the application. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(2) All conditions shall be entered into the minutes of the Planning Commission and on the conditional use permit. Except as specified in Section 7-7-109, all conditions shall run with the land, and shall be binding on the original applicants, their heirs, successors and assigns. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

7-7-108. NOTICE OF PLANNING COMMISSION ACTION REPEALED.

— Within a reasonable time following the public hearing, the applicant shall be notified, by letter, of the Planning Commission's action. If the application is approved, the action letter shall outline conditions attached to the approval, if any, the procedures to be followed prior to obtaining a business license or building permit, and the expiration date of the approval.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2008.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER